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GOVERNMENT OF GOA

Department of Urban Development

Directorate of Municipal Administration

Notification

1/04/DMA/Admn/4054

Whereas certain draft rules which the Government of Goa proposes to make were published in the Official Gazette, Extraordinary, Series I No. 46 dated 11th February, 2011, as required by sub-section (1) of section 391 of the City of Panaji Corporation Act, 2002 (Goa Act 1 of 2003), under Notification No. 1/04/DMA/Admn/3849 dated 11-2-2011 of the Director, Directorate of Municipal Administration, Panaji, inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of fifteen days from the date of publication of the said Notification in the Official Gazette.

And whereas the said Gazette was made available to the public on 11-2-2011;

And whereas no objections/suggestions have been received from the public on the said draft rules within the said period of fifteen days by the Government.

Now, therefore, in exercise of the powers conferred by section 391 of the City of Panaji

Corporation Act, 2002 (Goa Act 1 of 2003), and all other powers enabling it in this behalf, the Government of Goa, after consultation with the State Election Commissioner, so as to amend the Corporation of the City of Panaji (Election) Rules, 2004 namely:

1. *Short title and commencement.*— (1) These rules may be called the Corporation of the City of Panaji (Election) (First Amendment) Rules, 2011.

(2) They shall come into force at once.

2. *Insertion of new rule 40 A.*— After rule 40 of the Corporation of the City of Panaji (Election) Rules, 2004 (hereinafter referred to as the “principal Rules”), the following rule shall be inserted, namely:—

40A. *Voting by officer on duty at polling station.*— (1) A Presiding Officer or a Polling Officer or a public servant who is a voter on election duty and is by reason of his being on election duty unable to vote at the polling station where he is entitled to vote, shall send an application in Form No. XX to the Returning Officer so as to reach him at least four days or such shorter period as the Returning Officer may allow before the date of poll, and if the Returning Officer is satisfied that the applicant is a voter on election duty, he shall issue a “postal ballot” paper to him.

(2) A postal ballot paper shall be the same as that of the ordinary ballot paper in Form No. VIII.

(3) (i) A postal ballot paper shall be sent by post under certificate of posting to the voter together with—

(a) a declaration in Form XXI;

(b) a cover in Form XXII;

(c) a large cover addressed to the Returning Officer in Form XXIII; and

(d) instructions for the guidance of the voter in Form No. XXIV:

Provided that the Returning Officer may, in any case of a voter on election duty, deliver the ballot paper and forms or cause them to be delivered to such voter personally.

(ii) The Returning Officer shall at the same time record the serial number of each ballot paper against the entry relating to the voter in the marked copy of the voters list.

(iii) The Returning Officer shall ensure that the voter is not allowed to vote at any polling station.

(4) Every Officer under whose care or through whom a postal ballot paper is sent shall ensure its delivery to the addresses without delay.

(5) After the ballot papers have been issued to all voters entitled to vote by post, the Returning Officer shall, at an election to the Corporation of the City of Panaji, seal up in a packet that part of the marked copy of the voters list and record on the packet a brief description of its contents and the date on which it was sealed and send to the Presiding Officer for recording the serial numbers of the ballot papers issued to voters at the polling station.

(6) Any voter who has received a postal ballot paper and desires to vote shall record

his vote on the ballot paper in accordance with the direction contained in Form XXIV and then enclose it in cover in Form XXII.

(7) The voter shall sign the declaration in Form XXI in the presence of, and have the signature attested by a Magistrate or such other Gazetted Officer or the Presiding Officer of the polling station at which he is on election duty as may be appropriate, to whom he is personally known and to whose satisfaction he has been identified.

(8) (i) When a postal ballot paper and any other papers sent under sub-rule (3), are for any reasons returned undelivered, the Returning Officer may re-issue them by post under certificate of posting or deliver them or cause them to be delivered to the voter personally on a request being made by him.

(ii) If any voter has inadvertently dealt with the ballot paper or any of the other papers sent to him under sub-rule (3) in such manner that cannot conveniently be used, a second set of papers shall be issued to him after he has returned the spoilt papers and satisfied the Returning Officer of the inadvertence.

(iii) The Returning Officer shall cancel the spoilt papers so returned and keep them in a separate packet after noting thereon the particulars of the election of the Corporation and the serial numbers of the cancelled ballot papers.

(9)(i) After the voter has recorded his vote and made his declaration under sub-rule (7), he shall return the ballot paper and declaration to the Returning Officer in accordance with the instructions communicated to him in Form XXIV so as to reach the Returning Officer before the close of the poll of the Corporation.

(ii) If any cover containing the postal ballot paper is received by the Returning Officer after the expiry of the time fixed under sub-rule (9)(i), he shall note thereon the date and time

of its receipt and shall keep all such covers together in a separate packet.

(iii) The Returning Officer shall keep in safe custody until the commencement of the counting of votes all covers containing postal Ballot Papers received by him.

3. *Insertion of new rule 49A.*— After rule 49 of the principal Rules, the following rule shall be inserted namely:—

“49A. *Counting of votes received by post.*— (1) The Returning Officer shall first deal with the ballot paper in the manner hereinafter provided.

(2) No cover in Form XXIII received by the Returning Officer after the expiry of the time fixed in that behalf shall be opened and no vote contained in any such cover shall be counted.

(3) The other covers shall be opened one after another and as each cover is opened, the Returning Officer shall first scrutinise the declaration in Form XXI contained therein.

(4) If the said declaration is not found or has not been duly signed and attested, or is otherwise substantially defective, or if the serial number of the ballot paper as entered in it differs from the serial number endorsed on the cover in Form XXII, that cover shall not be opened, and after making an appropriate endorsement thereon, the Returning Officer shall reject the ballot paper therein contained.

(5) Each cover so endorsed and the declaration received with it, shall be replaced in the cover in Form XXIII and all such covers in Form XXIII shall be kept in a separate packet which shall be sealed and on which shall be recorded the name of the Corporation of the City of Panaji, the number or the name of the ward or constituency and the date of counting.

(6) The Returning Officer shall then place all the declarations in Form XXI which he

has found to be in order in a separate packet which shall be sealed before any cover in Form No. XXII opened on which shall be recorded the particulars referred to in sub-rule (5).

(7) The covers in Form XXII not already dealt with under the foregoing provisions of this rule shall then be opened one after another and the Returning Officer shall scrutinize each ballot paper and decide the validity of the vote recorded thereon.

(8) Postal ballot paper shall be rejected:—

(a) if it bears any mark (other than the mark to record the vote) or writing by which the voter be identified; or

(b) if no vote is recorded thereon; or

(c) if votes are given on it in favour of more candidates than one; or

(d) if it is spurious ballot paper; or

(e) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or

(f) if it is not returned in the cover sent alongwith it to the voter by the Returning Officer.

(9) A vote recorded on a postal ballot paper shall be rejected if the mark indicating the vote is placed on the ballot paper in such manner as to make it doubtful to which candidate the vote has been given.

(10) A vote recorded on a postal ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.

(11) The Returning Officer shall count all the valid votes, given by postal Ballot in favour of each candidate, record the total thereof in the result sheet in Form XXV and announce the same.

(12) Thereafter, all the valid ballot papers and all the rejected ballot papers shall be separately bundled and kept together in a packet which shall be sealed with the seals of the Returning Officer and of such of the candidate their counting agents as may desire to affix their seals thereon and on packet so sealed shall be recorded the following particulars, namely:—

(a) the name of the Corporation of the City of Panaji, or

(b) the number or the name of the ward or constituency, and

(c) the date of counting."

(4) *Insertion of new Forms XX to XXV.*— After Form XIX of the principal Rules, the following forms shall be inserted, namely:—

FORM XX

[See rule 40A(1)]

Letter of Information to Returning Officer

To,
The Returning Officer,
Corporation of the City of Panaji,
Panaji, Goa.

Sir,

I have been appointed as at the polling station to the Corporation of the City of Panaji Elections. I intend to cast my vote by post at the ensuing Corporation of the City of Panaji Election to the ward No..... of Corporation of the City of Panaji.

The ballot papers may be sent to me at the following address.

My name is entered at Sr. No..... in ward No..... of the Corporation of the City of Panaji voters list.

.....
.....
.....

Place:

Dated:

Yours faithfully,

FORM XXI

[See rule 40A(3)(i) (a)]

Declaration by voter

Election to the Corporation of the City of Panaji (This side is to be used only when the voter signs the declaration himself).

I hereby declare that I am a voter to whom the Postal Ballot paper bearing serial number has been issued at the above election.

Signature of voter

Attestation of Signature

The above has been signed in my presence by Shri..... voter who is personally known to me/has been identified to my satisfaction by Shri.....(identifier) who is personally known to me.

Signature of identifier, if any

Signature of Attesting Officer

Designation.....

Address

Date.....

(This side is to be used when the voter cannot sign himself).

I hereby declare that I am a voter to whom the postal ballot paper bearing serial No..... has been issued at the above election.

Signature of Attesting Officer

Designation.....

Address of the voter.....

Date:.....

CERTIFICATE

I hereby certify that:—

(1) The abovenamed voter is personally known to me/has been identified to my satisfaction by Shri (identifier) who is personally known to me.

(2) I am satisfied that the voter is illiterate/suffers from (infirmary) and is unable to record his vote himself or sign his declaration.

(3) I was requested by him to mark the Ballot Paper and to sign the above declaration on his behalf, and

(4) The Ballot Paper was marked and the declaration signed by me on his behalf in his presence and in accordance with his wishes.

Signature of identifier, if any,

Address.....

Signature of Attesting Officer
Designation.....
Address.....
Date.....

FORM No. XXII

[See rule 40A(3)(i)(b)]

Small Cover

NOT TO BE OPENED BEFORE COUNTING

A

Election to.....

Corporation of the City of Panaji

Ward No.

Postal Ballot Paper

Serial No. of Ballot Paper

FORM No. XXIII

[See rule 40A(3)(i)(c)]

Large Cover

Every Officer under whose care or through whom a postal ballot paper is sent shall ensure its delivery to the addressee without delay under rule 40A(4).

Service unpaid

Election immediate

Postal Ballot Paper

.....Corporation of the City of Panaji

(Not to be opened before counting)

The Returning Officer and

.....Corporation of the City of Panaji.

Ward No.

Signature of Sender

FORM No. XXIV

[See rule 40A(3)(i)(d)]

Instructions for the Guidance of Voters

(To be used at an election to the Corporation of the City of Panaji

Election to theCorporation of the City of Panaji)

The persons whose names are printed on the ballot paper sent herewith are candidates at the above election. If you desire to vote, you should record your vote in accordance with the directions given in Part-I below and then follow the instructions detailed in Part-II.

PART-I—DIRECTIONS

(1) The number of members to be elected is one.

(2) You have only one vote.

(3) You must not vote for more than one candidate and if you do, your ballot paper will be rejected.

(4) Record the vote by placing clearly a mark opposite the name of the candidate to whom you wish to give that vote.

(5) The mark should be so placed as to indicate clearly and beyond doubt as to which candidate you are giving your vote. If the mark is so placed so as to make it doubtful as to which candidate you have given the vote, that vote will be valid.

(6) A voter shall obtain the attestation of his signature on the declaration in Form No. XX by the Magistrate or such other Gazetted Officer or Presiding Officer of the Polling station at which he is on election duty.

PART-II—INSTRUCTIONS FOR VOTERS

(a) After you have recorded your vote on the ballot paper, place the ballot paper in the smaller cover marked "A" sent herewith. Close the cover and secure it by seal or otherwise.

(b) You have then to sign the declaration in Form XXI herewith in the presence of a Magistrate or any other Officer competent to attest your signature [See direction (6) above]. Take the declaration to any such officer and sign it in his presence after he has been satisfied about your identity.

The Officer will attest your signature and return the declaration to you. You must neither show your ballot paper to the Attesting Officer (now) tell him for whom you have voted.

(c) If you are unable to mark the ballot paper and sign the declaration yourself in the manner indicated above by reason of illiteracy, blindness or other infirmity, you are entitled to have your vote marked and the declaration signed on your behalf by any officer referred to in item (b). Such an Officer will at your request mark the ballot paper in your presence and in accordance with your wishes, he will also complete the necessary certificate in this behalf.

(d) After your declaration has been signed and your signature has been attested in accordance with item (b) or item (c), place the declaration in Form XXI as also the smaller cover marked "A" containing the ballot paper, in the larger cover, send it to the Returning Officer by post or by messenger. You have to give your full signature in the space provided on the cover marked "B" but no postage stamp need be affixed by you.

(e) You must ensure that the cover reaches the Returning Officer before..... p.m. on.....

(f) Please note that:—

(i) If you fail to get your declaration attested or certified in the manner indicated above, your ballot paper will be rejected; and

(ii) if the cover reaches the Returning Officer after..... p.m. on..... your vote will not be counted.

FORM XXV

[See rule 49A(ii)]

Final Result Sheet

Election to the Corporation of the
City of Panaji Ward/Constituency
No. Taluka
Block

Sr. No.	Polling Station	Number of valid votes cast in favour	Total No. of valid votes	Number of rejected votes	Total Number of tendered votes
		Names 1 2 3 4 5			

Total number of votes
recorded at Polling Station

Number of votes recorded
on Postal ballot papers

Total votes polled

Place:

Date:

Returning Officer

..... Corporation of the City of Panaji.

By order and in the name of the Governor
of Goa.

Daulat Hawaldar, Director & ex officio
Special Secretary (Urban Dev./Muni. Admn.).

Panaji, 1st March, 2011.

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